

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

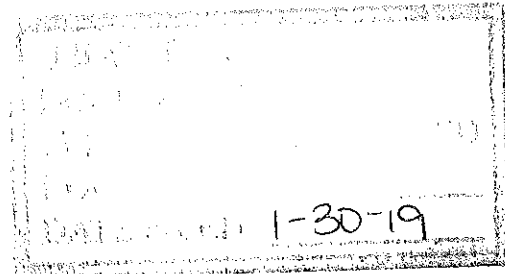
STEVEN HIRSCH,

Plaintiff,

- against -

ADVANCE PUBLICATIONS, INC.

Defendant.



Docket No. 1:18-cv-5314-LAP

**JOINT RULE 26(F) REPORT**

Plaintiff Steven Hirsch and Defendant Advance Publications, Inc. ("Advance"), by and through their undersigned attorneys, hereby submit the following Rule 26(f) Report. All parties met and conferred on January 28, 2019, and this report was prepared based on those discussions.

**A. Description of the Case**

Plaintiff Steven Hirsch brings one count of copyright infringement against Advance alleging that Advance displayed Mr. Sadowski's copyrighted photograph of Yasmin Seweid.

**1. Rule 26(a) Initial Disclosures:** The parties will exchange initial disclosures pursuant to Rule 26(a) of the Federal Rules of Civil Procedure by February 15, 2019.

**2. Leave to Amend/Add Additional Parties:** The last day for the parties to amend their pleadings or add additional parties without leave of the Court will be March 29, 2019.

**3. Requests for Production:** The parties will serve their first requests for production of documents by February 22, 2019.

4. **Interrogatories:** The parties will serve their first interrogatories by February 22, 2019.

5. **Requests to Admit:** The parties will serve their first requests to admit by April 19, 2019.

6. **Close of Fact Discovery:** Fact discovery will close by May 31, 2019.

7. **Summary Judgment Motions:** Any summary judgment motions will be due on or before June 14, 2019. Any opposition thereto will be due on July 8, 2019. Any reply thereto will be due on July 19, 2019.

**B. Other Matters**

1. Electronic Discovery:

The parties anticipate that discovery in this case will involve the production of hard copy documents and electronically stored information (“ESI”). The parties will meet and confer in good faith throughout the course of discovery in an effort to avoid the need for any formal motions related to discovery of ESI.

2. Issues Relating to Claims of Privilege

The parties shall produce privilege logs at the time of production. If that cannot be accomplished, the producing party will advise the other side accordingly and will produce a privilege log within three (3) days of production. The parties will confer in good faith on the ways to minimize the burden of privilege logs. The parties agree that any inadvertent disclosure of privileged material in the course of discovery shall not constitute a waiver of privilege, provided that the party who made the inadvertent disclosure promptly notifies the other party upon becoming aware of the disclosure.

3. Changes to Limitations on Discovery

The parties do not anticipate any additional changes to or limitations on discovery at this time.

4. Protective Order

The parties recognize that this matter may require the production of sensitive commercial information and therefore agree that it is appropriate to enter into a protective order to govern the handling of such information. Before documents are produced, the parties will execute a stipulated pre-trial protective order for this Court's approval.

**C. Trial**

Based on the claims currently advanced by Plaintiff, the parties contemplate that trial in this matter will take 1-2 full days, but reserve the right to revise this estimate after the scope of the case becomes clearer. The parties do not consent to trial before a magistrate judge. The parties request that the case be tried before a jury.

Dated: Valley Stream, New York  
January 28, 2019

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*Attorneys for Defendant Advance  
Publications, Inc.*

*Counsel shall inform the Court by letter no later than February 15, 2019, of the status of the action.*

*SO ORDERED*  
*Louetta A. Presko*  
LOUETTA A. PRESKO  
CLERK OF COURT  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

*1/30/19*